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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,385	11/26/2001	Peter Botten	81174-276984	1786

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PILLSBURY WINTHROP LLP
Suite 2800
725 South Figueroa Street
Los Angeles, CA 90017-5406

EXAMINER

TRAN, HUAN HUU

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,385

Applicant(s)

BOTTEN ET AL.

Examiner

Huan H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 60-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9 and 60-70 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Claims 11-59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the Response to Election/Restriction filed on 11/03/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mochizuki (US Patent No. 5266969).

As per claim 1, Mochizuki discloses a printer for transferring images to media using a multi-color dye diffusion process, the printer comprising:

a print station (20) including a printhead (23a) and a platen (24) for receiving sheets of receiver media fed therebetween from an input path (P2);

a first discharge path (P3) for translating imaged receiver media from the print station to an output tray (31); and

a second discharge path (P₂) for translating receiver media from the print station to a compartment separated from the output tray during intermediate passes of the dye diffusion process.

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As per claim 2, the printer disclosed in Mochizuki further comprises an output diverter (42) which is movable to guide media sheets from the print station to said first discharge path when said output diverter is in a first position, and to guide media sheets from said print station to said compartment when said output diverter is in a second position.

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kamoda (US Patent No. 5253941).

With reference to Figs. 8-12 and the detailed description thereof, Kamoda discloses a printer for use in transferring an image to a media sheet using either a dye diffusion process or a direct thermal process, the printer comprising:

a platen (61),

a printhead assembly having a printhead (62) and a point of rotation allowing said printhead to be rotated between a first printhead position in which said printhead is proximate a media sheet in contact with said platen and a second printhead position in which said printhead is separated from said platen; and

a dye diffusion donor apparatus having a donor spool (4) and a take-up spool (5) for dispensing a donor ribbon between the printhead and said media sheet when said printhead is in said first printhead position during dye diffusion printing,

wherein one of said donor spool and said take-up spool is moveable between a first spool position and a second spool position, said donor ribbon being dispensed between said printhead and said media sheet when said one of said donor spool and said take-up spool is in said first position.

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Allowable Subject Matter

5. Claims 3-9, 60-70 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: As per claim 3 and dependent claims thereof are allowable at least for the inclusion of the limitation "a dye diffusion donor apparatus having a donor spool and a take-up spool for dispensing a donor ribbon between the printhead and said media sheet when said printhead is in said first printhead position during dye diffusion printing, wherein said dye diffusion donor apparatus is movable such that said donor ribbon is not dispensed between said printhead assembly and said media sheet during direct thermal printing"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (703) 308-0749. The examiner can normally be reached on M-F with Monday off, from 7:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (703) 308-4896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1749.



Huan H. Tran
Primary Examiner
Art Unit 2861

hht
01/23/2004